

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOE PATRICK FLARITY,

Plaintiff,

v.

DAVID H. PRATHER et al.,

Defendants.

CASE NO. C20-6083-RJB-JRC

ORDER ON REVIEW OF MOTION
FOR RECUSAL

On January 7, 2021, Plaintiff Flarity filed a Motion seeking to disqualify Magistrate Judge Creatura in this matter. Dkt. #37. On January 14, Judge Creatura issued an Order declining to recuse himself and, in accordance with this Court's Local Rules, referring that decision to the Chief Judge for review. Dkt. #41; *see* LCR 3(f).

A judge of the United States shall disqualify himself in any proceeding in which his impartiality "might reasonably be questioned." 28 U.S.C. § 455(a). Federal judges also shall disqualify themselves in circumstances where they have a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28 U.S.C. § 455(b)(1). Pursuant to 28 U.S.C. § 144, "whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse

1 party, such judge shall proceed no further therein, but another judge shall be assigned to hear
2 such proceeding.” “[A] judge’s prior adverse ruling is not sufficient cause for recusal.” *United*
3 *States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor v. Regents of Univ. of Cal.*,
4 993 F.2d 710, 712 (9th Cir. 1993) (“To warrant recusal, judicial bias must stem from an
5 extrajudicial source.”).

6 Plaintiff Flarity requests a new magistrate judge alleging that “pro se bias” is the “only
7 reasonable explanation” for Judge Creatura’s refusal to issue certain discovery orders. Dkt. #37.
8 Mr. Flarity does not offer any further detail as to allegedly adverse Orders, and in any event, a
9 judge’s prior adverse rulings are not sufficient cause for recusal. The Court finds that Mr. Flarity
10 has failed to present any reasonable basis to grant the requested relief. The Court notes that Mr.
11 Flarity has filed a “Supplemental for Recusal.” Dkt. #43. The Court has reviewed that
12 supplemental filing, finds that it is essentially a supplemental brief filed without a procedural
13 basis under the Court’s Local Rules, and in any event does not alter the Court’s conclusion that
14 there is no basis to grant the requested relief.

15 Accordingly, the Court hereby finds and ORDERS that Judge Creatura’s refusal to recuse
16 himself from this matter is AFFIRMED. Plaintiff’s Supplemental Motion for Recusal, Dkt. #43,
17 is DENIED.

18 DATED this 25th day of February, 2021.

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21 RICARDO S. MARTINEZ
22 CHIEF UNITED STATES DISTRICT JUDGE
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